

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS LIABILITY LITIGATION	MDL No. 2741 Case No. 16-md-02741-VC
This document relates to:  <i>Levy v. Monsanto Co.</i> , Case No. 3:21-cv-07643-VC	<b>PRETRIAL ORDER NO. 326: ORDER DENYING MONSANTO'S MOTION TO EXCLUDE EXPERT SOLOMON HAMBURG AND FOR SUMMARY JUDGMENT</b>  Re: Dkt. No. 20080

Monsanto's motion to exclude the testimony of Dr. Solomon Hamburg is denied. This ruling assumes the reader's familiarity with the facts, the applicable legal standard, the prior Daubert rulings in this MDL, and the arguments made by the parties. *See generally In re Roundup Products Liability Litigation*, 390 F. Supp. 3d 1102 (N.D. Cal. 2018) (Pretrial Order No. 45, Dkt. No. 1596); *In re Roundup Products Liability Litigation*, 358 F. Supp. 3d 956 (N.D. Cal. 2019) (Pretrial Order No. 85, Dkt. No. 2799); *Hardeman v. Monsanto Company*, 997 F.3d 941 (9th Cir. 2021).

Monsanto's motion here follows the same pattern as the one addressed in Pretrial Order No. 317. *See* Dkt. No. 20370. It relies primarily on the opinions disclosed in Hamburg's report and citations to cross-examination-style deposition testimony in which Hamburg was not given an opportunity to explain his opinions. *See, e.g.*, Hamburg Dep. (Dkt. No. 20231-4) at 60:12–61:10) (regarding Levy's thyroid cancer), 61:11–62:21 (regarding Levy's family history). That is not sufficient to exclude his opinion relating to the risk factors of age, gender, ethnicity, family history, or his personal history of thyroid cancer (even though the testimony about family history

and especially personal history is dubious). Some of Hamburg's testimony is eyebrow raising, particularly about his recollections of obese NHL patients and his general views on obesity as a risk factor. *See id.* at 62:23–64:8, 110:21–111:23. But Monsanto hasn't presented evidence that Levy was obese, so that cannot serve as a basis for his exclusion either. *See id.* at 65:3–15.

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As Levy will be able to call Hamburg to testify about specific causation, Monsanto's motion for summary judgment is denied.

**IT IS SO ORDERED.**

Dated: March 31, 2025



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VINCE CHHABRIA  
United States District Judge